

Appl. No. 10/756,832
Amdt. dated January 3, 2006
Reply to Advisory Action mailed November 7, 2005

REMARKS/ARGUMENTS

Claims 1-10 are pending. Claims 5 and 7 have been withdrawn pending allowance of a generic claim. Applicants filed a response to the Office Action having a mailing date of August 3, 2005 and the Examiner entered the claim amendments presented in that Response. The Examiner has issued an Advisory Action having a mailing date of November 7, 2005 and the new amendment to Claim 1 made herein is in Response to the Examiner's rejections and comments made in that Advisory Action. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

In the Advisory Action having a mailing date of November 7, 2005, the Examiner has maintained the rejection of Claims 4, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 908,265 (hereinafter "Ivey").

As Applicants have noted previously, the presently claimed invention relies on "vertically upward movement of the rider's foot out of the normal use position" to cause at least one mounting to release the foot support member. The foot support member can then move in the same direction as the rider's foot, either forward or rearward, until the foot support member is fully disconnected from the U-shaped mounting member. That is, the stirrup of the present invention provides two-way release. This is consistent with the description at page 6 which states that the present invention relies on a vertical force component to cause vertical movement of the foot support relative to the U-shaped member. The foot support is thus shifted into a position where it can move in the same forward or rearwards direction as the rider's foot until the foot support is fully disconnected from the U-shaped mounting member.

In response to Applicant's amendments and arguments presented in Response to the Examiner's final Office Action, the Examiner has maintained the rejection of the pending claims over Ivey. It is the Examiner's position that the invention of Ivey does require vertically upward movement of the rider's foot to release the foot support member because Ivey states at lines 85-90 that for the support member 9 to disengage, the rider's foot has to contact bail A, which is in a

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vertically upward movement from the rider's foot resting position on support member 9. The rider's foot has to move vertically upward to reach bail A so that the support member 9 is fully disengaged.

Applicant submits, however, that this does not accurately reflect the wording at lines 85-90 of Ivey. Specifically, Ivey teaches that "... should the rider fall or be thrown from his mount the fore part of his foot will contact with the bail A and cause the tread member 9 to revolve upon the pin 13 ...". Thus, there cannot be any vertically upward movement of the support member because the lip 4 on arm 3 hooks around the bottom of pin 13, thus preventing any vertically upward movement of arm 3 relative to side portion 10. At line 85, Ivey describes the revolving of the tread member 9 upon the pin 13. The tread member is limited to revolving one-way and it cannot move vertically upwards by virtue of the arrangement of the pines 8 and 13, the hook 11 and the lip 4.

Applicant has amended Claim 1 to clarify that the foot support member of the present invention moves vertically upward with the rider's foot. For the reasons stated above, the foot support member in the stirrup of Ivey is not capable of upward movement. Accordingly, Applicant submits that this amendment to Claim 1 clearly distinguishes the present invention over the stirrup of Ivey. Applicant therefore respectfully requests the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has maintained the rejection of Claim 9 under 35 U.S.C. § 103(a) as being obvious over Ivey in view of U.S. Patent No. 1,052,327 (hereinafter "Eddleman").

As noted above, Ivey relates to a release stirrup that is fundamentally different from the stirrup of the present invention. Ivey teaches a one-way stirrup, and release is based purely on rotatory movement of the rider's foot in one direction. Conversely, the present invention is a two-way stirrup that requires vertically upward movement of the foot support member and the rider's foot before the stirrup releases in the direction of movement of the rider's foot.

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The invention described in Eddleman is fundamentally different from both Ivey and the present invention. In use, the invention of Eddleman causes the entire stirrup to disengage from a stirrup casing, which is connected to the saddle by a stirrup strap. The stirrup of Ivey and the present invention relates to interrelating parts of a stirrup that disengage, leaving at least one of the interrelating parts connected to the stirrup strap. Thus, Eddleman teaches the use of an actuating means (22) that acts against a helical spring (25), and in another part of the mechanism, a locking member (13) having a knob (14) acting against helical spring (15). Neither of these biasing means are located within the stirrup, that is, within the U-shaped part of the stirrup or the foot restraint/footplate. Both are located in the stirrup casing.

Therefore, a skilled artisan would not apply the teaching of Eddleman regarding the use of biasing means in a stirrup casing to the actual stirrup per se. Ivey teaches the use of hooks and pins and there is no reason or need to include the springs of Eddleman to keep the hooks, or any other part of the Ivey stirrup in place in addition to having a two-way release and requiring vertically upward movement of a rider's foot to cause the stirrup to release. Accordingly, the skilled artisan would not combine the entirely different approaches to a releasable stirrup taught by Ivey and Eddleman as the proposed modifications would change the principal of operation of each device and would not result in a safety stirrup recited in Claim 9 of the instant application. Therefore, Applicant requests that the Examiner's rejection of Claim 9 over the combination of Ivey and Eddleman be withdrawn.

The Examiner has maintained the rejection of Claim 10 under 35 U.S.C. § 103(a) as being obvious over Ivey in view of U.S. Patent No. 5,979,149 (hereinafter "Martin").

While it may be obvious to manufacture the safety stirrup of Ivey out of non-metallic material there is no reason for the person of ordinary skill to manufacture the present invention out of non-metallic material. As described above, the skilled artisan, upon reading Ivey, may comprehend a one-way stirrup comprising hooks and pins that prevent any part of the stirrup from moving vertically upwards. They would not comprehend a safety stirrup requiring vertically upward movement and two way release. For these reasons, the present invention as claimed in

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claim 10 is not obvious in the light of the combination of Ivey and Martin and Applicant requests that the Examiner's rejection based upon this combination of references be withdrawn.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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